37. PS 84 US_DSR (178)

Department of State

#84 in Case #630468

TELEGRAM

LIMITED OFFICIAL USE 213

PAGE 01 TEL AV 02159 061245Z

54/17
ACTION L:03

INFO OCT 01 NEA 13 CIAE 00 INR 07 NSAE 00 RSC 01 DODE 00 JPM 04

RSR 01 /030 W

033694

R 060900Z JUN 69
FM AMEMBASSY TEL AVIV
TO SECSTATE WASHDC 6345

DEPARTMENT OF STATE A/CDC/MR
REVIEWED BY [signature] DATE 1/24/89
RDS ☐ or XDS ☐ EXT. DATE
TS AUTH. REASON(S)
ENDORSE EXISTING MARKINGS ☐
DECLASSIFIED ☐ RELEASABLE ☑
RELEASE DENIED ☐
PA or FOI EXEMPTIONS

LIMITED OFFICIAL USE TEL AVIV 2159

CORRECTED COPY FOR TEXT

SUBJECT: USS LIBERTY CLAIMS

REF: STATE 082020

1. IF WE ASK GOI FOR SUBSTANTIVE REPLY RE SHIP DAMAGE CLAIM I WOULD ANTICIPATE RECEIVING A LEGALISTIC ARGUMENT PROBABLY ALONG LINES OF ORIGINAL NOTE OF AUGUST 5 (TEL AVIV 4798) ENDEAVORING TO DISCLAIM LIABILITY WHICH ACTION WOULD NO DOUBT INITIATE A LONG AND PROBABLY UNSUCCESSFUL NEGOTIATION.

2. CONSEQUENTLY BEFORE DOING SO SUGGEST THE DEPARTMENT CONSIDER. WHILE THERE IS, OF COURSE, NO REPEAT NO QUESTION THAT THE ISRAELIS BEAR RESPONSIBILITY FOR THEIR ERROR IN ATTACKING THE SHIP AND THEY ACKNOWLEDGE SUCH RESPONSIBILITY AND EXPRESSED WILLINGNESS TO PAY SUCH COMPENSATION IN THEIR FIRST COMMUNICATIONS FOLLOWING THE DISASTER, IT IS ALSO A FACT AND PUBLIC KNOWLEDGE THAT WE ISSUED INSTRUCTIONS OT THE VESSEL, WHICH UNFORTUNATELY DID NOT ARRIVE IN TIME TO MOVE OUT OF THE AREA IT WAS THEN OPERATING IN. IT CAN BE ARGUED THAT THIS ACTION ON OUR PART CONFIRMED OUR CONCLUSION THAT THE SITUATION IN THE SHIP'S AREA OF OPERATION INVOLVED UNACCEPTABLE RISK AND THIS RECOGNITION COULD BE CONSTRUED AS ATTENUATING AT LEAST MORALLY IF NOT LEGALLY ISRAELI RESPONSIBILITY. FURTHERMORE WE HAVE ALSO ANNOUNCED PUBLICLY THAT THE NAVY DOES NOT REPEAT NOT INTEND TO REFIT THE LIBERTY WHICH APPARENTLY WILL BE

(1)

LIMITED OFFICIAL USE

Tel Aviv 2159 6-6-69

LIMITED OFFICIAL USE

PAGE 02 TEL AV 02159 061245Z

SCRAPPED. FINALLY THE ISRAELIS HAVE PAID IN FULL OUR CLAIMS FOR DEATHS AND INJURY THUS DISCHARGING TO THE EXTENT COMPENSATION CAN DO SO THE CLAIMS WHICH HAVE A HUMANITARIAN PERSONAL BASIS.

3. IT IS RECOGNIZED THAT THE PRECEDENT INVOLVED IN THIS SHIP CLAIM MAY BE IMPORTANT TO US IN ITSELF IN THAT IF WE ARE UNABLE TO OBTAIN AT LEAST SOME COMPENSATION FOR MATERIAL DAMAGE TO THIS SHIP FROM A COUNTRY WITH FRIENDLY RELATIONS WITH THE US WE MIGHT PREJUDICE OUR ABILITY TO COLECT SIMILAR CLAIMS INVOLVING LESS FRIENDLY OR UNFRIENDLY STATES.

4. CONSEQUENTLY I SUGGEST THAT WE RECOGNIZE THAT OUR CLAIM IN THIS CASE IS IN FACT ATTENUATED AS SET FORTH ABOVE AND THAT AS A PRACTICAL MATTER WE ARE UNLIKELY TO OBTAIN ANYTHING LIKE FULL DAMAGES FOR THE SHIP CLAIM. AT THE SAME TIME AND IN VIEW OF THE DESIRABILITY OF OBTAINING SOMETHING IN SETTLEMENT I FURTHER SUGGEST THAT I BE AUTHORIZED IN THE FIRST INSTANCE TO SOUND OUT THE ISRAELIS INFORMALLY AS TO THE POSSIBILITY OF NEGOTIATING A SETTLEMENT INVOLVING ONLY SOME TOKEN PAYMENT.

5. DEPARTMENT'S COMMENTS WOULD BE APPRECIATED.
BARBOUR

DECLASSIFIED